IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

FRIDAY, THE 28TH SEPTEMBER 2007 / 6TH ASWINA 1929

WP(C).No. 23537 of 2007(B)

PETITIONER:

CHELLA RAWTHER M., S/O. LATE MUHAMMED MEERA RAWTHER, 2/20, CHELLA RAWTHER STREET, KARIMBUKADA, KUNIAMMUTHUR, COIMBATORE-4.

BY ADV. SRI.SAJAN VARGHEESE K.
SRI.LIJU. M.P

RESPONDENTS:

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1. THE CHITTUR PRIMARY CO-OPERATIVE AGRICULTURAL & RURAL DEVELOPMENT BANK LTD.NO.P.619, CHITTUR P.O., PALAKKAD DIST., REP. BY ITS SECRETARY.

2. THE SALE OFFICER, THE CHITTUR PRIMARY CO-OPERATIVE AGRICULTURAL & RURAL DEVELOPMENT BANK LTD.NO.P.619, CHITTUR P.O., PALAKKAD DISTRICT.

R1 BY ADV. SRI.GEORGE POONTHOTTAM
R2 BY GOVT. PLEADER SRI. P.K. RAVIKRISHNAN.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 28/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC. 23537/2007.

APPENDIX

PETITIONER'S EXTS:

EXT. P1 : TRUE COPY OF THE RECEIPT ISSUED BY THE RESPONDENT NO.2.

EXT.P2 : TRUE COPY OF THE LOAN ACCOUNT PASS BOOK MAINTAINED IN RESPECT OF THE LOAN NO.RH 616.

EXT. P3 : TRUE COPY OF THE SALE DECLARATION DATED 26.6.2007 ISSUED BY THE RESPONDENT NO.2.

K.M.JOSEPH, J.

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WP.(C) No. 23537 of 2007

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Dated this the 28th day of September, 2007

JUDGMENT

Petitioner availed a loan. It was not repaid. Recovery steps are taken.

2. Heard counsel for the petitioner and respondents. The writ petition is disposed of as follows:

Petitioner is permitted to pay off the amount due in seven equal monthly instalments. The first respondent will serve a statement on the petitioner within two weeks from today showing the amount paid by the petitioner and the amount to be paid by the petitioner with due interest and also fixing the exact amount of instalment to be paid by the petitioner on the basis that the amount due with interest has to be paid in seven equal monthly instalments. Upon receipt of the statement, if the petitioner points out any error regarding the calculation within a period of one week from the date of receipt of the statement, the first respondent Bank will rectify any error, which is made out. The first instalment shall be payable on or before 7.11.2007 and the subsequent instalments on or before the 7th of the succeeding months. If any

single instalment is defaulted, the petitioner will lose the benefit of this judgment and it will be open to the respondents to proceed against the petitioner in accordance with law.

(K.M. JOSEPH, JUDGE)

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